

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:)
) Case No. 11-21215
Kevin Wayne Spencer, and)
Naomi Kay Spencer)
Debtors.

OBJECTION TO CLAIM NO. 5-1

Comes now Movant Kevin Wayne Spencer, and hereby objects to the Proof of Claim filed by creditor, FIA Card Services, N.A., as successor in interest to Bank of America, N.A. (USA) and MBNA America Bank, N.A. in the amount of \$12,010.48, on July 14, 2011. The court claim number is 5-1.

PURSUANT TO LOCAL RULE 3007-1 (C), THE CLAIMANT SHALL HAVE 30 DAYS AFTER SERVICE OF THE OBJECTION IN WHICH TO FILE A RESPONSE. THE RESPONSE SHALL BE IN WRITING AND STATE WHY THE CLAIM SHOULD BE ALLOWED AS FILED. IF A RESPONSE IS FILED, THE COURT WILL SCHEDULE A HEARING. IF NO TIMELY RESPONSE IS FILED, THE COURT WILL ENTER AN ORDER SUSTAINING THE OBJECTION TO THE CLAIM. PARTIES NOT REPRESENTED BY AN ATTORNEY SHALL MAIL A RESPONSE TO THE COURT AT THE ADDRESS BELOW. DEBTOR(S) NOT REPRESENTED BY AN ATTORNEY MUST BE SERVED A COPY OF THE RESPONSE BY MAIL.

The basis for the objection is as follows: (PLEASE CHECK ONLY THE APPLICABLE BOXES)

- ☐ The deadline for filing proofs of claim expired prior to the filing of the claim, so the claim should be disallowed in its entirety. (Not applicable in Chapter 7)
- ☐ The claim should be disallowed entirely because _____.
- ☐ The claim should instead be allowed as a (secured, priority, or unsecured) claim in the amount of \$_____ because _____.
- ☐ The claim should instead be allowed as secured in the amount of \$_____ and unsecured in the amount of \$_____ because_____.
- X Other: Said claim is asserted against Debtor Naomi Kay Spencer only. Mrs. Spencer filed this case jointly with Debtor Kevin Wayne Spencer, but died on October 28, 2014. Upon information and belief, Kevin Wayne Spencer, the surviving debtor in this case, is

not personally liable for the debt asserted in said claim.

WHEREFORE, Debtor prays that this Court disallow Claim 5-1.

Dated: December 31, 2014

BOUL & ASSOCIATES, P.C.

/s/ Shelley L. Forrest

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ATTORNEYS FOR DEBTORS

CERTIFICATE OF SERVICE

I, Shelley L. Forrest, hereby certify that a true and correct copy of the Objection to Claim was mailed by first class mail to the following addresses this 31st day of December 2014:

FIA Card Services, N.A.
PO Box 15102
Wilmington, DE 19886-5102

FIA Card Services, N.A.
Attention: Chief Executive Officer
1100 North King Street
Wilmington, DE 19884

Bank of America
Bankruptcy Department
P.O. Box 851001
Dallas, TX 75285-1001

The Objection to Claim was mailed by certified mail upon an officer of the institution at the following address this 31st day of December 2014:

Bank of America, N.A.
Attention: Mr. Brian Moynihan
100 North Tryon Street
Charlotte, NC 28202

Dated: December 31, 2014

/s/ Shelley L. Forrest